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State of Misconsin 2019 - 2020 LEGISLATURE

LRB-3780/1 EVM:kjf&amn

2019 SENATE BILL 523

October 25, 2019 - Introduced by Senators Petrowski, Olsen and Tiffany, cosponsored by Representatives Spiros, Considine, Knodl, Kulp, Mursau, Oldenburg, Plumer, Ramthun, Tauchen, Tusler and Wichgers. Referred to Committee on Transportation, Veterans and Military Affairs.

AN ACT to amend 343.055 (1) (c) of the statutes; relating to: commercial driver

license waiver for certain operation of commercial motor vehicles by farmers.

Analysis by the Legislative Reference Bureau

This bill expands an exception from the commercial driver license (CDL) requirement for certain use of commercial motor vehicles (CMVs) by farmers.

Under current law, the definition of "commercial motor vehicle" includes a single vehicle or combination vehicle with a gross combination weight rating, registered weight, or actual gross weight (generally, the weight of vehicle while carrying a full load) of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating, registered weight, or actual gross weight of more than 10,000 pounds.

A person may not, in general, operate a CMV without a valid CDL. Current law, however, provides several exceptions from the CDL requirement allowing, for example, fire fighters, law enforcement officers, and rescue squad members who hold valid operators' licenses other than CDLs to operate CMVs under specified circumstances. Another current exception allows farmers to use a CMV without holding a CDL if all of the following apply: 1) the use is within 150 miles of the operator's farm; 2) the CMV is used to transport agricultural products, farm machinery, or farm supplies, including hazardous materials requiring placarding, to or from a farm; and 3) the CMV is operated and controlled by a farmer.

This bill eliminates requirement 1) from the CDL exception for farmers and family members or employees of a farmer, except when transporting hazardous materials. Thus, under this bill, a farmer or family member or employee of a farmer

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may use a CMV without holding a CDL if the CMV is used to transport agricultural products, farm machinery, or farm supplies to or from a farm and the CMV is controlled by a farmer. Current law pertaining to transporting hazardous materials requiring placarding would remain unchanged.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Section 1. 343.055 (1) (c) of the statutes is amended to read:

343.055 (1) (c) Farmers. The operator of the commercial motor vehicle is a farmer or a family member or employee of a farmer who is using the commercial motor vehicle within 150 miles of the operator's farm to transport agricultural products, farm machinery, or farm supplies including transporting hazardous materials requiring placarding, or a combination thereof to or from a farm and the commercial motor vehicle is operated and controlled by a farmer and not used in the operations of a common motor carrier or contract motor carrier, as defined in s. 194.01 (1) and (2). If the operator of the commercial motor vehicle is transporting hazardous materials requiring placarding, the waiver under this paragraph applies only within 150 miles of a farm where the operator is a farmer or a family member or employee of a farmer. In this paragraph, "controlled" means leased or owned; and "farmer" and "leased" have the meanings given in s. 340.01 (18) (b).

14 (END)